

**MINUTES OF THE MEETING  
OF THE  
BOARD OF NURSING  
October 18 and 19, 2006**

**Wednesday, October 18, 2006**

**Call to Order**

Marcy Echternacht, President, called the meeting of the Nebraska Board of Nursing to order at 1:30 p.m. on October 18, 2006, at the Staybridge Suites Conference Center, Lincoln, Nebraska. Copies of the agenda were sent to Board members, news media and other interested persons, and posted.

**Roll Call**

The following members were present:

Marcy Echternacht, RN, President  
Mary Megel, RN, Vice-President  
Jacqueline Ross, RN, Secretary  
Joyce Bunker, public member  
Crystal Higgins, RN  
Mary Bunker, RN (arrived at 4:00 p.m.)  
Dawn Nickel, LPN  
Julie Brauer, RN  
Lori Smith, RN

The following members were absent:

Deanna Lloyd, LPN  
Sandra Mann, public member  
Nancy Gondringer, RN

A quorum of the Board was present and the meeting convened. Also present from the Credentialing Division was Sheila Exstrom, RN, Nursing Education Consultant; and Ruth Schuldt, RN, Compliance Monitor. Present from the Investigations Division was Marletta Stark, RN. Present from the Department was Darrel Klein. Present from the Attorney General's office was Terri Nutzman, Assistant Attorney General. Charlene Kelly, RN, Executive Director arrived at 3:50 p.m.

**Review of Agenda**

The board reviewed the revised agenda. It was noted that a discussion of the screening process will be held at 8:30 a.m. tomorrow.

1. Brauer made the motion seconded by Megel **that the board adopt the agenda as amended.**

Voting Aye Ross, Echternacht, Megel, J. Bunger, Brauer, Nickel, Higgins and Smith.

Voting Nay: none. Abstain: none. Absent: Mann, Gondringer, Lloyd and M. Bunger.

Motion carried.

### **Review of the Minutes**

The board reviewed the minutes of the September 21, 2006 meeting. Some needed typographical corrections were noted.

2. Smith made the motion seconded by Nickel **that the board approve the minutes of the September 21, 2006 meeting as corrected.**

Voting Aye Ross, Echternacht, Megel, J. Bunger, Brauer, Nickel, Higgins and Smith.

Voting Nay: none. Abstain: none. Absent: Mann, Gondringer, Lloyd and M. Bunger.

Motion carried.

### **Reinstatement hearing for Dawn Odvody**

Reinstatement applicant, Dawn Odvody, her legal counsel and support persons were present. The court reporter was also present.

Darrel Klein, legal counsel for the Department, offered beginning remarks and provided an overview of the reinstatement hearing process. The hearing went on record at 1:37 p.m.

3:03 p.m. the meeting recessed. Persons who are not members of the board or Credentialing Division staff asked to leave the meeting room.

3. J. Bunger made the motion seconded by Nickel **that the board go into closed session for the purpose of deliberating on the hearing testimony.**

Voting Aye Ross, Echternacht, Megel, J. Bunger, Brauer, Nickel, Higgins and Smith.

Voting Nay: none. Abstain: none. Absent: Mann, Gondringer, Lloyd and M. Bunger.

Motion carried.

3:05 p.m. The board went into closed session.

3:38 p.m. The board came out of closed session.

Based on the discussion held in closed session the following motion was made:

4. Brauer made the motion seconded by Megel **that the board deny reinstatement of Dawn Odvody's RN license due to insufficient time living in an independent environment following incarceration and residence in a halfway house.**

Voting Aye Ross, Echternacht, Megel, Nickel, Higgins and Smith. Voting Nay: J. Bunger and Brauer. Abstain: none. Absent: Mann, Gondringer, Lloyd and M. Bunger. Motion carried.

Klein and Schuldt left the meeting.

### **Discussion of Criminal Background Checks**

The board continued their ongoing discussion on the pros and cons of moving forward to require criminal background checks for all initial applicants. Materials had been collected from other states related to guidelines for dealing with the criminal background information. There was much valuable information from the other states. The topic of total bans from licensure for convicted felons vs. time-limited bans vs. case by case review was discussed. There was some support for time-limited bans. It was noted that this would provide guidance for the schools and for staff when individuals with felony convictions contact them for information on whether an individual is eligible for licensure.

The board directed staff to take the following actions: 1) Obtain information if there is a legal basis to support a case by case review of an individual's conviction records as opposed to developing and relying on guidelines; 2) Discuss this issue with Helen Meeks to determine if she supports moving forward to discussions with other boards about requiring criminal background checks prior to licensure; 3) Try to find out from other states if there is a difference between states that require criminal background checks prior to licensure and those that do not in terms of number of license denials; 4) Obtain a copy of the presentation from the All Board Members Meeting on Nebraska's experience to date regarding the requirement for criminal background checks for licensees with the authority to prescribe controlled substances.

The meeting recessed at 4:45 p.m.

**Thursday, October 19, 2006**

### **Call to Order**

Marcy Echternacht, president of the board, reconvened the meeting at 8:32 a.m.

### **Roll Call**

The following members were present:

Marcy Echternacht, RN, President

Mary Megel, RN, Vice-President  
Jacqueline Ross, RN, Secretary  
Joyce Bunger, public member  
Crystal Higgins, RN  
Mary Bunger, RN  
Dawn Nickel, LPN  
Julie Brauer, RN  
Lori Smith, RN  
Nancy Gondringer, RN (arrived at 10:10 a.m.)

The following members were absent:

Deanna Lloyd, LPN  
Sandra Mann, public member

A quorum of the Board was present and the meeting convened. Also present from the Credentialing Division was Charlene Kelly, RN, Executive Director; Sheila Exstrom, RN, Nursing Education Consultant; and Ruth Schuldt, RN, Compliance Monitor. Present from the Investigations Division were Marletta Stark, RN, Michael Grutsch, Peggy Persell, RN, and Pat Lemke, RN. Present from the Attorney General's office was Terri Nutzman, Assistant Attorney General.

5. Megel made the motion seconded by J. Bunger **that the board go into closed session for the purpose of reviewing investigation reports**

Voting Aye Ross, Echternacht, Megel, Nickel, Higgins, J. Bunger, Brauer, M. Bunger and Smith. Voting Nay: None. Abstain: none. Absent: Mann, Gondringer, and Lloyd. Motion carried.

8:35 a.m. the board went into closed session.

9:44 a.m. the meeting recessed.

9:48 a.m. the meeting reconvened in closed session.

9:58 a.m. Lemke left the meeting.

10:02 a.m. Smith left the meeting.

10:04 a.m. Smith returned to the meeting.

10:10 a.m. Gondringer arrived.

10:20 a.m. Echternacht left the meeting.

10:28 a.m. Echternacht returned to the meeting.

10:29 a.m. Persell left the meeting.

10:45 a.m. Megel left the meeting.

10:50 a.m. Megel returned to the meeting.

11:50 a.m. the board recessed briefly for lunch.

12:00 p.m. the meeting reconvened.

12:15 p.m. Stark left the meeting.

12:20 p.m. the board came out of closed session. Grutsch left the meeting.

Based on discussion held in the closed session the board made the following motions.

***Rebecca Taylor***

6. Higgins made the motion seconded by M. Bunger **that the board issue Rebecca Taylor an unrestricted RN license by endorsement.**

Voting Aye Ross, Echternacht, Megel, Nickel, Higgins, J. Bunger, Brauer, M. Bunger, Gondringer and Smith. Voting Nay: None. Abstain: none. Absent: Mann and Lloyd. Motion carried.

***Bodell Gracey***

7. J. Bunger made the motion seconded by Nickel **that the board issue Bodell Gracey an unencumbered LPN license.**

Voting Aye Ross, Echternacht, Megel, Nickel, Higgins, J. Bunger, Brauer, M. Bunger, Gondringer and Smith. Voting Nay: None. Abstain: none. Absent: Mann and Lloyd. Motion carried.

***Melissa Galvin***

8. Higgins made the motion seconded by Megel **that the board issue Melissa Galvin an unencumbered LPN license pending successful completion of the NCLEX® examination and receipt of a second positive letter of reference.**

Voting Aye Ross, Echternacht, Megel, Nickel, Higgins, J. Bunger, Brauer, M. Bunger, Gondringer and Smith. Voting Nay: None. Abstain: none. Absent: Mann and Lloyd. Motion carried.

*Jessica McCollum*

9. Smith made the motion seconded by Brauer **that the board recommend that the department offer Jessica McCollum a probationary LPN license pending successful completion of the NCLEX® examination. The probation will be for five years with the following conditions: abstain from alcohol and controlled substances, provide verification from treating practitioner of all prescription medications, report all prescription medications, submit to random body fluid screens, comply with treatment recommendations, advise the Department of any professional counseling and submit reports, participate in three NA, AA, or other support group meeting each week, maintain active practice (minimum of 130 hrs per quarter), obtain a sponsor and the usual terms and conditions of probation.**

Voting Aye Ross, Echternacht, Megel, Nickel, Higgins, J. Bunger, Brauer, M. Bunger, Gondringer and Smith. Voting Nay: None. Abstain: none. Absent: Mann and Lloyd. Motion carried.

*Tammy Schnell*

10. Nickel made the motion seconded by Higgins **that the board recommend that the department offer Tammy Schnell a probationary LPN license. The probation will be for five years with the following conditions: abstain from alcohol and controlled substances, provide verification from treating practitioner of all prescription medications, report all prescription medications, submit to random body fluid screens, comply with treatment recommendations, advise the Department of any professional counseling and submit reports, participate in three NA, AA, or other support group meeting each week, maintain active practice (minimum of 130 hrs per quarter), obtain a sponsor, comply with the terms of court-ordered probation and the usual terms and conditions of probation.**

Voting Aye Ross, Echternacht, Megel, Nickel, Higgins, J. Bunger, Brauer, M. Bunger, Gondringer and Smith. Voting Nay: None. Abstain: none. Absent: Mann and Lloyd. Motion carried.

12:25 p.m. Schuldt left the meeting.

*Stephanie Statler*

11. J. Bunger made the motion seconded by Gondringer **that the board issue Stephanie Statler an unencumbered LPN license pending successful completion of NCLEX® examination.**

Voting Aye Ross, Echternacht, Megel, Nickel, Higgins, J. Bunger, Brauer, M. Bunger, Gondringer and Smith. Voting Nay: None. Abstain: none. Absent: Mann and Lloyd. Motion carried.

*Jennifer Bierbaum*

12. M. Bunger made the motion seconded by J. Bunger **that the board issue Jennifer Bierbaum an unencumbered RN license upon successful completion of NCLEX® examination.**

Voting Aye Ross, Echternacht, Megel, Nickel, Higgins, J. Bunger, Brauer, M. Bunger, Gondringer and Smith. Voting Nay: None. Abstain: none. Absent: Mann and Lloyd. Motion carried.

*Jennifer Weeks*

13. Nickel made the motion seconded by Higgins **that the board recommend that the department reinstate Jennifer Week's LPN and LPN-C licenses on probation. The probation will be for five years with the following conditions: abstain from alcohol and controlled substances, provide verification from treating practitioner of all prescription medications, report all prescription medications, submit to random body fluid screens, comply with treatment recommendations, advise the Department of any professional counseling and submit reports, participate in three NA, AA, or other support group meeting each week, work under direct RN supervision for the first year of probation, work under indirect RN supervision for the second year of probation, have no access to controlled substances for the first year of probation, have access to controlled substances only under supervision for the second year of probation, maintain active practice (minimum of 130 hrs per quarter), obtain a sponsor, and the usual terms and conditions of probation.**

Voting Aye Ross, Echternacht, Megel, Nickel, Higgins, J. Bunger, Brauer, M. Bunger, Gondringer and Smith. Voting Nay: None. Abstain: none. Absent: Mann and Lloyd. Motion carried

14. Megel made the motion seconded by Nickel **that the board go back into closed session for the purpose of discussing complaint screening.**

Voting Aye Ross, Echternacht, Megel, Nickel, Higgins, J. Bunger, Brauer, M. Bunger, Gondringer and Smith. Voting Nay: None. Abstain: none. Absent: Mann and Lloyd. Motion carried

The board went into closed session at 12:35 p.m. Gondringer left the meeting.

1:25 p.m. the board came out of closed session and the meeting recessed.

1:32 p.m. the meeting reconvened. Guests from the Nebraska Assisted Living Association (NALA) were present including Pat Snyder, Abbie Wieger, and September Stone. Roger Brink, counsel for the department was also present as were other guests.

## **Nurses' Duty to Perform CPR in Assisted Living Facilities (ALF)**

At a recent educational presentation for Nebraska Assisted Living Association (NALA) member facilities a representative of the department (Karen Bowen) had informed the audience that if a nurse is employed in an ALF and he/she is on duty when a resident codes the nurse is accountable to perform CPR. This is not the position of NALA. Their facilities often have a policy that the action to be taken at the time a resident (without a Do Not Resuscitate (DNR) advanced directive) codes is to call 911. The facilities make it known at the time of admission that this is their policy.

Both the board and representatives from NALA expressed their opinions and concerns related to this issue:

### ***Points raised by members and staff of the Board of Nursing***

- All nursing education programs include cardiopulmonary resuscitation techniques in their curriculum or expect students to be CPR certified prior to admission. Nurses are at least basically competent in resuscitation techniques.
- Nurses have professional accountability to do everything they can to aide a patient in the time of an emergency.
- Failure to perform CPR in an emergency on a patient who does not have a DNR advanced directive may constitute unprofessional conduct pursuant to Neb. Rev. Stat. 71-147.

### ***Points raised by representatives from NALA***

- Concern that expectations by residents might be that all facility staff are CPR trained and would be expected to respond.
- Not all nurses are currently CPR certified and may not be competent to perform CPR correctly.
- Residents are informed of the facility's policy at the time of admission.
- ALF are not required to employ nurses. Having a nurse perform CPR if he/she happens to be working at the time of the emergency when no nurse may be on duty when another resident codes would result in an inconsistent level of response to resident's needs.

The Practice Committee of the Board of Nursing is formulating a practice advisory opinion on this issue. When complete, the opinion will be brought to the full board for adoption. NALA will have an opportunity to comment on the opinion before it is voted on by the board.

## **Adjournment**

The meeting adjourned at 2:45 p.m.



Respectfully submitted,

A handwritten signature in cursive script that reads "Jacqueline Ross". The signature is written in black ink and is positioned above the printed name.

Jacqueline Ross, Secretary